

REMARKS

Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested.

By this Response, no claims are amended, added or cancelled. Accordingly, after entry of this Response claims 1-5, 7-8, 10-13, 16-21 and 23-25 will remain pending in the patent application.

Applicant appreciates the Examiner's indication that claims 2-5, 13, 16-19, 23 and 24 are allowed.

Claims 7, 8, 10, 11 and 12 were rejected under 35 U.S.C. §103(a) based on Lee (U.S. Patent No. 5,930,610) in view of Hallock *et al.* (hereinafter "Hallock") (U.S. Pub. No. 2002/0151156). The rejection is respectfully traversed.

Claim 7 recites a device manufacturing method wherein, *inter alia*, "...said first and second materials are based on bulky-acetal polymers."

The Office acknowledges that the cited portions of Lee are silent as to the above identified aspects of claim 7. However, the Office relies upon Hallock, and in particular paragraph 15 of Hallock as allegedly disclosing, teaching or suggesting these aspect of claim 7. Applicant respectfully disagrees.

Paragraph 15 of Hallock discloses various photoresist resins for use with *ion implantation* processes. The disclosed photoresist resins include novolaks, polyvinylphenols, acrylates, acetals, ketals, polyimides, cyclic olefins or the like. That said, Hallock is silent as to the use of *bulky-acetal* polymers for a photoresist, as recited in claim 7. In fact, Applicant respectfully that the use of such a material is not predictable in view of Hallock. Indeed, in the absence of impermissible hindsight from Applicant's own disclosure, one skilled in the art would not be able to "at once envisage" the specific *bulky-acetal* polymers from the generic acetals of Hallock. *See* MPEP 2131.02. Thus, the use of *bulky-acetal* polymers would not have been predictable from the disclosed generic acetals of Hallock, and is, therefore, non-obvious.

Equally important is the fact that Applicant has demonstrated the criticality and benefit of using *bulky-acetal* polymers in the claimed device manufacturing method. As explained in the present application:

If the first and second materials are based on the same or a similar solvent, it has been found that the electromagnetic radiation sensitive layers do not interfere with each other but that they are compatible. A suitable solvent has been found to be *bulky-acetal polymers*. If the first and second materials have different solvents

(but both based on bulky-acetal polymers) the two layers have similar (but not the same) solvent (perhaps a generic solvent) *so that they will not dissolve in each other and should not interfere with each other.* (Emphasis added)

Therefore, Applicant respectfully that the use of *bulky-acetal* polymers is greatly beneficial in preventing the first and the second layer of electromagnetic radiation sensitive material from interfering with each other. Accordingly, the use of such a photoresist is not obvious in view of the teachings of Hallock. *See* MPEP 716.02(a) "PRESENCE OF AN UNEXPECTED PROPERTY IS EVIDENCE OF NONOBVIOUSNESS."

Thus, for at least these reasons, claim 7 is not obvious in view of Lee, Hallock or any combination thereof.

Claims 8, 10, 11 and 12 are patentable over the cited portions of Lee, Hallock and any proper combination thereof at least by virtue of their dependency from claim 7 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 7, 8, 10, 11 and 12 under 35 U.S.C. §103(a) based on Lee in view of Hallock are respectfully requested.

The sole rejection having been addressed, Applicant respectfully submits that the application is in condition for allowance, and a notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP


CHRISTOPHE F. LAIR

Reg. No. 54248

Tel. No. 703.770.7797

Fax No. 703.770.7901

JSB/CFL
P.O. Box 10500
McLean, VA 22102
(703) 770-7900